

HOUSE BILL No. 2626

By Representative Sloan

1-16

9 AN ACT concerning the environment; establishing the farm and ranch
10 land protection grant program; amending K.S.A. 2-1904 and repealing
11 the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2-1904 is hereby amended to read as follows: 2-
15 1904. (a) There is hereby established, to serve as an agency of the state
16 and to perform the functions conferred upon it in this act, the state con-
17 servation commission. The state conservation commission shall succeed
18 to all the powers, duties and property of the state soil conservation com-
19 mittee. The commission shall consist of nine members as follows:

20 (1) The director of the cooperative extension service and the director
21 of the state agricultural experiment station located at Manhattan, Kansas,
22 or such persons' designees shall serve, ex officio, as members of the
23 commission.

24 (2) The commission shall request the secretary of agriculture of
25 United States of America to appoint one person and the secretary of the
26 Kansas department of agriculture to appoint one person, each of whom
27 shall be residents of the state of Kansas to serve as members of the com-
28 mission. These members shall hold office for four years and until a suc-
29 cessor is appointed and qualifies, with terms commencing on the second
30 Monday in January beginning in 1973.

31 (3) Five members of the state commission shall be elected by the
32 conservation district supervisors at a time and place to be designated by
33 the state conservation commission. The method of electing such members
34 to be conducted as follows: The state is to be divided into five separate
35 areas. Area No. I to include the following counties: Cheyenne, Rawlins,
36 Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan,
37 Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area
38 No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee,
39 Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell,
40 Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and
41 Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud, Lin-
42 coln, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey, King-
43 man, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford. Area

1 No. IV to include: Washington, Marshall, Nemaha, Brown, Doniphan,
2 Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth,
3 Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary, Dickinson,
4 Morris, Osage, Franklin and Miami. Area No. V to include: Marion,
5 Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Green-
6 wood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua,
7 Montgomery, Labette and Cherokee. Areas II and IV will elect in even
8 number years and Areas I, III and V shall elect in odd number years for
9 two year terms. The elected commission members from Areas I, III and
10 V shall take office on January 1, of the even number years. The remaining
11 two elected members of the state commission from Areas II and IV shall
12 take office on January 1, of the odd number years. The method of election
13 is to be by area caucus of the district supervisors of each of the five
14 separate areas of Kansas. The commission shall give each district notice
15 of the time and place of such annual election meeting by letter if a mem-
16 ber is to be elected to the commission from that area that year. The
17 selection of a successor to fill an unexpired term shall be by appointment
18 by the commission. The successor who is appointed to fill the unexpired
19 term shall be a resident of the same area as that of the predecessor.

20 (b) The commission shall keep a record of its official actions, shall
21 adopt a seal which seal shall be judicially noticed, and may perform such
22 acts, hold such public hearings and adopt rules and regulations necessary
23 for the execution of its functions under this act.

24 (c) The state conservation commission may employ an administrative
25 officer and such technical experts as it may require and shall determine
26 their qualifications and duties. Such officer and experts shall be in the
27 unclassified service of the Kansas civil service act and shall receive annual
28 salaries fixed by the commission and approved by the state finance coun-
29 cil. All other agents and employees, permanent or temporary, required
30 by the state conservation commission, shall be within the classified service
31 of the Kansas civil service act. The commission may call upon the attorney
32 general of the state for such legal services as it may require. It shall have
33 authority to delegate to its chairperson, to one or more of its members
34 or to one or more agents or employees, such powers and duties as it
35 deems proper. It shall be supplied with suitable office accommodations
36 at the state capital, and shall be furnished with the necessary supplies and
37 equipment. Upon request of the commission, for the purpose of carrying
38 out any of its functions, the supervising officer of any state agency or of
39 any state institution of learning, insofar as may be possible under available
40 appropriations and having due regard to the needs of the agency to which
41 the request is directed, shall assign or detail to the commission members
42 of the staff or personnel of such agency or institution of learning and
43 make such special reports, surveys or studies as the commission may

1 request.

2 (d) The commission shall designate its chairperson and, from time to
3 time, may change such designation. A majority of the commission shall
4 constitute a quorum, and the concurrence of a majority in any matter
5 within their duties shall be required for its determination. Members of
6 the state conservation commission attending meetings of such commis-
7 sion or attending a subcommittee meeting thereof authorized by such
8 commission shall be paid compensation, subsistence allowances, mileage
9 and other expenses as provided in K.S.A. 75-3223, and amendments
10 thereto. The commission shall provide for keeping of a full and accurate
11 record of all proceedings and of all resolutions, regulations and orders
12 issued or adopted.

13 (e) In addition to the duties and powers hereinafter conferred upon
14 the state conservation commission, it shall have the following duties and
15 powers:

16 (1) To offer such assistance as may be appropriate to the supervisors
17 of conservation districts, organized as provided hereinafter, in the carry-
18 ing out of any of their powers and programs;

19 (2) to keep the supervisors of each of the several districts organized
20 under the provisions of this act informed of the activities and experience
21 of all other districts organized hereunder and to facilitate an interchange
22 of advice and experience between such districts and cooperation between
23 them;

24 (3) to coordinate the programs of the several conservation districts
25 organized hereunder;

26 (4) to secure the cooperation and assistance of the United States and
27 any of its agencies and of agencies of this state, in the work of such districts
28 and to contract with or to accept donations, grants, gifts and contributions
29 in money, services or otherwise from the United States or any of its agen-
30 cies or from the state or any of its agencies in order to carry out the
31 purposes of this act;

32 (5) to disseminate information throughout the state concerning the
33 activities and programs of the conservation districts organized hereunder
34 and to encourage the formation of such districts in areas where their
35 organization is desirable;

36 (6) to cooperate with and give assistance to watershed districts and
37 other special purpose districts in the state of Kansas for the purpose of
38 cooperating with the United States through the secretary of agriculture
39 in the furtherance of conservation pursuant to the provisions of the wa-
40 tershed protection and flood prevention act, as amended;

41 (7) to cooperate in and carry out, in accordance with state policies,
42 activities and programs to conserve and develop the water resources of
43 the state and maintain and improve the quality of such water resources;

1 (8) to enlist the cooperation and collaboration of state, federal, re-
2 gional, interstate, local, public and private agencies with the conservation
3 districts; ~~and~~

4 (9) to facilitate arrangements under which conservation districts may
5 serve county governing bodies and other agencies as their local operating
6 agencies in the administration of any activity concerned with the conser-
7 vation of natural resources; *and*

8 (10) *to facilitate the conservation of private working farm and ranch*
9 *lands in Kansas through grants to eligible entities for the administration*
10 *and purchase of perpetual conservation easements, or other interests, of*
11 *eligible farm and ranch lands.*

12 New Sec. 2. As used in sections 3 through 7, and amendments
13 thereto:

14 (a) "Commission" means the state conservation commission.

15 (b) "Conservation easement" means a conservation easement, as de-
16 fined in K.S.A. 58-3810, and amendments thereto, which is a permanent
17 deed restriction.

18 (c) "Eligible entity" means any organization that is an organization as
19 described in section 170(h)(3) of the internal revenue code of 1986.

20 (d) "Eligible farm and ranch lands" means cropland, rangeland, grass-
21 land, pastureland or forestland which is contiguous to a federal or state
22 military facility of more than 100 acres or is located adjacent to lands
23 already in the program.

24 New Sec. 3. (a) There is hereby established a Kansas farm and ranch
25 land protection grant program, to be administered by the commission,
26 for the purpose of limiting loss of agricultural lands to nonagricultural
27 uses.

28 (b) The commission may make available matching grants to be of-
29 fered in cooperation with the United States department of agriculture
30 under the farm and ranch land protection program or the United States
31 department of defense, or any other federal or private entity, to eligible
32 entities for the administration, costs and purchase of permanent conser-
33 vation easements on eligible farm and ranch lands. Such costs shall in-
34 clude, but not be limited to, appraisals, surveys and title searches.

35 (c) The commission may adopt rules and regulations to administer
36 and implement the Kansas farm and ranch land protection grant program.

37 (d) The commission shall not be the holder of conservation
38 easements.

39 New Sec. 4. To receive grants pursuant to the Kansas farm and ranch
40 land protection grant program eligible entities must make application to
41 the commission in the manner prescribed by the commission and shall
42 provide to the commission:

43 (a) Documentation from the internal revenue service that the entity

1 meets the requirement of subsection (c) of section 2, and amendments
2 thereto;

3 (b) a copy of the conservation easement agreement negotiated with
4 the United States department of agriculture, United States department
5 of defense or other agency and the landowner of the property for which
6 funding is sought;

7 (c) a written statement that creation and recordation of appropriate
8 deed restrictions will occur upon disbursement of the funds to the
9 landowner;

10 (d) a written agreement to implement the terms of the conservation
11 easement and to report the status of the conservation easement as the
12 commission deems necessary; and

13 (e) any other relevant information the commission deems necessary
14 to assure the appropriate use of grant funds.

15 New Sec. 5. (a) The commission shall evaluate and rank each appli-
16 cation based upon the following criteria:

17 (1) Contiguous acres of farm and ranch land to be conserved and its
18 ability to economically sustain agricultural activities;

19 (2) historic agricultural use and condition of the property;

20 (3) proximity of the property to: (A) A military installation or facility
21 under the supervision of the United States secretary of the army or the
22 United States secretary of the air force or (B) a military installation or
23 facility under the supervision of the Kansas national guard;

24 (4) imminent threat of development for residential or commercial
25 purposes;

26 (5) commitment of eligible entity and landowner to the long-term
27 conservation of the property;

28 (6) provide an educational opportunity regarding the land's scenic
29 value, plant and animal biodiversity, historic and cultural characteristics;
30 and

31 (7) other factors the commission deems critical for fulfillment of the
32 purposes of this act.

33 (b) The commission shall give funding priority to applications meet-
34 ing the criteria in subsections (a)(3)(A) and (a)(3)(B) of this section.

35 (c) Upon completion of the evaluations and rankings, the commission
36 shall timely award funds to successful applicants.

37 New Sec. 6. Failure of a property owner to observe and fulfill the
38 terms of a conservation easement shall render the property liable to the
39 commission for all grant moneys received.

40 New Sec. 7. (a) Notwithstanding the provisions of K.S.A. 58-3816,
41 and amendments thereto, no city shall use eminent domain to acquire
42 land placed in a conservation easement under the Kansas farm and ranch
43 land protection grant program except for utility or roadway purposes.

1 (b) If the land placed in a conservation easement under the Kansas
2 farm and ranch land protection grant program is taken for public use,
3 then the state of Kansas shall be paid from the settlement moneys an
4 amount equal to the amount the state contributed under this act.

5 Sec. 8. K.S.A. 2-1904 is hereby repealed.

6 Sec. 9. This act shall take effect and be in force from and after its
7 publication in the statute book.